

**DECISION  
GRAFTON PLANNING BOARD**

**MODIFICATION #1  
SCENIC ROAD PERMIT (SRP 2015-1)**

**Relocation of Driveway Opening for Lot D including associated work  
along the Scenic Road including removal of trees;  
Removal and Reuse of Approximately Twenty (20) Feet of Stone Wall  
Reconstruction of Stone Wall**

**114 Merriam Road  
Grafton, MA**

**Frederic & Margot Churchill (Applicant / Owner)**

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Frederic & Margot Churchill (hereinafter the APPLICANT / OWNER) for Modification of Scenic Road Permit (SRP 2015-1.1) for the relocation of the driveway opening on Lot D which includes associated work along the scenic road including removal trees and removal / reuse of approximately twenty (20) feet of stone wall at 114 Merriam Road, and shown on the Grafton Assessor's Map 59, Lot 24, and owned by Frederic & Margot Churchill, 243 Pleasant Street, South Yarmouth, MA 02664 by deed recorded in the Worcester District Registry of Deeds Book 6442, Page 94.

**I. BACKGROUND**

The above referenced Application for Modification of Scenic Road Permit (SRP 2015-1.1) (hereinafter APPLICATION) was submitted on August 17, 2016. Notice of the public hearing and the subject matter thereof was scheduled to be published in the Grafton News on August 25 and September 1, 2016 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on September 12, 2016. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on September 12, 2016.

After the close of the hearing it was determined that the legal notice which was mailed to the abutters had not been advertised in the local newspaper in accordance with the law. A second public hearing was advertised in the Grafton News on October 6 and October 16, 2016. Abutters were notified of the new hearing date via First Class Mail. The Planning Board considered the Application at a property posted meeting of said Board on October 24, 2016. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on October 24, 2016.

The following Board members were present throughout the public hearing: **Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk David Robbins, Members Linda Hassinger and Tracy Lovvorn, and Associate Member Sharon Carroll-Tidman.** At the hearing the following people presented the Application: Attorney Christopher Senie (representing the Hilltop Farms Condominium Association), Mr. Travis Brown of Andrews Survey & Engineering, Inc. (representing the Applicant / Owner), and Mr. Rocco Addeo, Applicant / Owner.

## **II. SUBMITTALS**

The following items were submitted to the Board for its consideration of these applications:

- EXHIBIT 1. Unbound application packet prepared by Quinn Engineering, Inc. on behalf of the Applicant, submitted on August 17, 2016, including the following:
- Application for Hearing Under the Scenic Road Bylaw; received by Clerks Office on August 17, 2016; 1 page.
  - Certified Abutter's List; Signed by Assessor's Office Manager on June 10, 2016;; 1 page.
  - Project Narrative and Site Images; Re: SRP 2015-1 Modification, 114 Merriam Road – Lot D; submitted by Carl Hultgren, P.E.; 8 ½" X 11"; color; dated August 17, 2016;; 2 pages.
  - Certificate of Good Standing; dated June 9, 2016; received by the Treasurer/Collector Office on June 9, 2016; 1 page.
  - Subsurface Sewage Disposal System Plan; Prepared by Quinn Engineering, Inc.; 24" X 36"; black and white; dated August 17, 2016; 1 sheet.
- EXHIBIT 2. Scenic Road and Shade Tree Hearing Notice; stamped by the Town Clerk's Office on August 22, 2016; 1 page.
- EXHIBIT 3. Email Correspondence; Subject: 114 Merriam Road; sent from Katrina Koshivos, Zoning Board of Appeals; dated & received August 24, 2016; 1 page.
- EXHIBIT 4. Public Hearing Sign-in Sheet, September 12, 2016; 1 page.
- EXHIBIT 5. Scenic Road and Shade Tree Hearing Notice; stamped by the Town Clerk's Office on September 30, 2016; 1 page.
- EXHIBIT 6. Public Hearing Sign-in Sheet, October 24, 2016; 1 page

## **III. FINDINGS**

At their meeting of [REDACTED], after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED] seconded by [REDACTED]) voted [REDACTED] to make the following findings:

- F1. That during the public hearing Mr. Carl Hultgren of Quinn Engineering presented the project on behalf of the Applicant. He reviewed the history of the original permit. Since that time, someone has purchased the property and has sited the new house closer to the road and in a location that requires impacting the stone wall and trees in a location that was not approved by the Board. They are proposing moving the cut in the stone wall approximately 40 feet to the west of the original location. They intend to follow the conditions of the original permit in that they will use the stone from the new cut to repair and rebuild the extant stone wall along the existing frontage of the lot and not haul it away. Additional request for modifications include abandoning the original plan for tree removal at the previous location and the removal of a small twin deciduous tree approximately 4" in

diameter to allow for the new driveway cut in the stone wall. The driveway is proposed to be graded at 4% in the right of way.

- F2. That during the public hearing the Board and the Applicant discussed Lot D as depicted on the plan (EXHIBIT #1) in relation to the common driveway approved to the east of the site. The Board noted that the request is only for the change in location of the driveway access to the lot from Merriam Road and that it was not associated with the common driveway. Town Planner, Joe Laydon, noted that he had been out to the site to view the proposed changes of which he presented photos for review. The Board reviewed photos and the proposed trees to be cut noting that there was one significant tree shown in the photos. Mr. Hultgren noted that they would not be impacting or affecting that tree. Mr. Laydon noted after review he felt that the proposed changes were appropriate and that the trees proposed for cutting did not contribute significantly to the canopy of Merriam Road due to size and disease.
- F3. That during the public hearing the Board asked for the opinion of the David Crouse, Tree Warden & Highway Superintendent. Mr. Crouse stated that he was in agreement with Mr. Laydon's assessment. He added that the cherry tree in question was wrapped with bittersweet and was in poor health. He had no additional comments.
- F4. The Board notes that it received written comments from the Zoning Board of Appeals (see EXHIBIT #3) which stated: "The ZBA has no comments at this time."

#### **IV. DECISION**

At their meeting of [REDACTED], after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted [REDACTED] to **GRANT / DENY** the Scenic Road Permit subject to the following conditions:

- C1. This Decision reflects the Board's approval of Modification of Scenic Road Permit SRP 2015-1.1. This permit the removal of saplings, removal of a twin deciduous cherry tree and removal / reuse of twenty (20) feet of stone wall within the Town's right of way as described in the FINDINGS and EXHIBITS and shown on the plan submitted by the Applicant (see EXHIBIT #1).
- C2. Prior to the issuance of a driveway permit or any site work associated with disturbance of the stone wall or removal of vegetation along the frontage of this lot, the Applicant and/ or Owner shall receive written permission from the Planning Board and /or its Agent as to the revised location for the driveway opening as discussed at the public hearing (see FINDING #F2). The Tree Warden and the Town Planner shall inspect the site with the Applicant and/or Owner and will reach consensus as to the revised driveway access from Merriam Road. The Applicant and/ or Owner shall clearly mark the following points with orange stakes: northern and southern area of disturbance and the centerline of the proposed driveway. These stakes shall be installed prior to the aforementioned site visit by the Town Planner and the Tree Warden to review the revised driveway location.

- C3. Stones from the wall removed to accommodate the relocated curb cut will be used to fill in an existing break and supplement existing wall. Stone work will match existing wall in height, width and thrown style of existing stone wall with no visible mortar.
- C4. Pursuant to Article 24 (Scenic Roads Regulations), Section 5.7 of the Town of Grafton By-laws, no work shall be performed until all applicable provisions of the Public Shade Tree Law, M.G.L. Ch.87, have been complied with.
- C5. Any modification to work authorized by this Decision shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision.
- C6. All work authorized under this Modification of Scenic Road Permit shall be completed in accordance with the plan and description identified in the EXHIBITS and FINDINGS of this Decision, as well as all conditions of this Decision.
- C7. All other conditions within Scenic Road Permit (SP 2015-1) shall remain in full force and effect unless modified by this DECISION.

## **V. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted      to **GRANT / DENY** the Applicant's request for Modification of Scenic Road Permit (SRP 2015-1.1) with Conditions for work within the Town's Right of Way at Lot D - 114 Merriam Road based on the information received at the public hearing and the aforementioned findings.

<u>Michael Scully, Chairman</u>	<u>AYE / NAY</u>	<u>Linda Hassinger, Member</u>	<u>AYE / NAY</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE / NAY</u>	<u>Tracy Lovvorn, Member</u>	<u>AYE / NAY</u>
<u>David Robbins, Clerk</u>	<u>AYE / NAY</u>		

## **DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

---

Joseph Laydon, Town Planner

---

Date

cc: Applicant / Owner

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>Graves Engineering</li><li>Tree Warden / Highway Superintendent</li></ul> | <ul style="list-style-type: none"><li>Assistant Town Engineer</li><li>Building Inspector</li></ul> |
|---|--|